

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

WANDA L. VALENCIA,

Plaintiff,

v.

CIVIL ACTION NO. 2:13-cv-18501

AMERICAN MEDICAL SYSTEMS
INC., et al.,

Defendants.

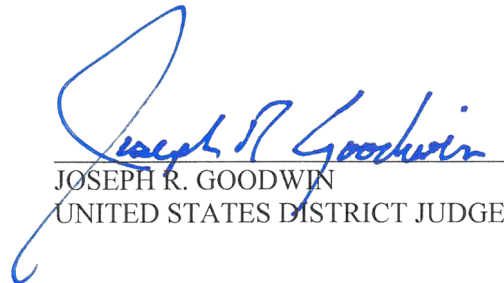
MEMORANDUM OPINION AND ORDER

Pending is a Motion to Dismiss Pursuant to PTO 259 and FRCP 25(a)(1), filed January 11, 2019. [ECF No. 32]. In the Motion, defendants American Medical Systems, Inc. and Boston Scientific Corporation seek dismissal with prejudice for plaintiff's failure to comply with PTO # 259 and Rule 25 of the Federal Rules of Civil Procedure or, alternatively, dismissal without prejudice pursuant to PTO # 259. *See* Pretrial Order ("PTO") # 259, *In re: American Medical Systems, Inc., Pelvic Repair Sys. Prods. Liab. Litig.*, 2:12-md-2325 [ECF No. 6347]. Plaintiff has not responded.

For reasons appearing to the court, the court **ORDERS** that the Motion to Dismiss [ECF No. 32] is **DENIED** to the extent defendants seek dismissal with prejudice, and **GRANTED** to the extent defendants seek dismissal without prejudice. The court further **ORDERS** that this case be **DISMISSED** and **STRICKEN** from the docket of this court.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: March 14, 2019



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE